The question that the amendment proposed by Mr. B. K. Pillai as re-worded by Mr. N. Ramakrishna Pillai be accepted, was put and carried.

The question that Clause 40 as amended stands part of the Bill, was put and carried.

Clause 40 was added to the Bill.

The question that Clauses 41 to 66 do stand part of the Bill, was put and carried.

Clauses 41 to 66 were added to the Bill.

The question that the preamble and title do stand part of the Bill was put and carried. The preamble and title were added to the Bill.

MR. N. RAMAKRISHNA PILLAI: I move that the Bill, as amended, be passed.

MR. S. NARAYANA AIYAR: I second it.

The question was put and carried.

The Bill was passed.

The House rose for lunch at 2 p. m.

The House re-assembled at 3 P. M.

NEW MEMBERS.

The following members took the oath and signed the Rolls :—

1. Mr. P. A. Kasim, (Director of Industries.)
2. Mr. A. Narayanan Tampi, (Director of Public Instruction.)

THE TRAVANCORE BORSTAL SCHOOLS BILL.

MR. N. RAMAKRISHNA PILLAI: Sir, I beg to present the report of the Select Committee on the Travancore Borstal Schools Bill and beg to move that the Bill be taken into consideration.

MR. S. NARAYANA AIYAR: I second it.

MR. M. L. JANARDHANAN PILLAI: Sir, before proceeding to the Legislative business, may I make one suggestion? If the Chair would permit and make it possible for the House to discuss the Public Service Commissioner's report now and if that arrangement will not interfere with the agenda of the day's meeting, I think it would be a great help for the members.

PRESIDENT: The Travancore Local Authorities Loans Bill which comes after the Borstal Schools Bill is a very important measure. I never anticipated that legislative business will take up so much time as has happened now. Will the Legal Remembrancer be able to say whether the Local Authorities Loans Bill could wait until the next session?

MR. N. RAMAKRISHNA PILLAI: As far as the Borstal Schools Bill is concerned there are only very few amendments, and as for the Travancore Local Authorities Loans Bill also the same is the case. There is only one important amendment in respect of clause 3.

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PRESIDENT: I am entirely in the hands of the House as regards this matter, but I gather from the agenda that there is an adjournment motion coming up at 3·30 and then there is the subject known as the Bunchy Top Disease of Bananas. The latter is a very important matter and has to be dealt with because the risks involved by not taking up strong measures will be very great. I do not want this House to be at a great disadvantage. In fact, in every measure that Government are going to adopt I want the support of this House. Very probably discussion on these two matters might take practically the whole of the afternoon. If that is so, there is just one day left for the discussion of the Public Service Recruitment Rules. I am sure that day would be fully taken up for that matter. I do not think it will be possible in this particular sitting to deal with the Education Re-organisation Committee Report. I have decided, subject to what this House might say, to have two days specially set apart for the discussion of the Education Reorganisation Committee's Report after the Budget is finished. That is my present suggestion. It seems to me that it is absolutely impossible to finish the Public Service Recruitment Rules by to-morrow and then go on to the Education Reorganisation Committee's Report which will require some considerable time. I am in the hands of the House. First of all what is the opinion of the House on the idea of having the discussion of the Education Reorganisation Committee's Report at the end of the Budget Session? (All the members agreed to have the discussion of that report at the end of the Budget Session).

Resolved that this Honourable House and the sister House would deal with the discussion of the Report of the Education Reorganisation Committee at the end of the Budget Session.

Would the Honourable House prefer to finish all the Legislative business or to go ahead with the other items in the agenda?

MR. P. S. NATARAJA PILLAI: If the Legislative business could be discussed at some other stage, there is no objection on our part to have it accordingly.

PRESIDENT: The Travancore Local Authorities Loans Bill is an urgent measure from our point of view. It does give rise to certain handicaps but the passing of that measure depends upon the nature of the discussion we will be having. For instance, the amendment regarding the caning of children took about three-quarters of an hour. Nobody knows what the nature of the discussion will be. Since there are only two or three amendments, is it the opinion of the House to go on with the legislative business?

(The House agreed to proceed with the legislative business.)

MR. N. RAMAKRISHNA PILLAI: I beg to move that the Travancore Borstal Schools Bill, as reported by the Select Committee, be taken into consideration.

MR. S. NARAYANA AIYAR: I second it.

The motion that the Bill as reported by the Select Committee be taken into consideration was put and carried.

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MR. K. G. KUNJUKRISHNA PILLAI: With regard to the amendments that have been tabled in connection with that Bill, I have to point out that those amendments are of a negative character.

PRESIDENT: Therefore they can be voted upon when each clause is finally decided upon.

MR. K. G. KUNJUKRISHNA PILLAI: In that manner those amendments could be disposed of.

The question that clauses 1 to 5 stand part of the Bill was put and carried.

The Clauses were added to the Bill.

The question that clause 6 stands part of the Bill was next put and carried.

The Clause was added to the Bill.

The question that clauses 7 to 18 stand part of the Bill was put and carried.

The Clauses were added to the Bill.

The question that clause 19 stands part of the Bill was put and carried.

The Clause was added to the Bill.

The question that clauses 20 and 21 stand part of the Bill was put and carried.

The Clauses were added to the Bill.

The question that Preamble and Title form part of the Bill was put and carried.

The Preamble and Title were added to the Bill.

MR. N. RAMAKRISHNA PILLAI: I beg to move that the Bill may be passed.

MR. S NARAYANA AIYAR: I second it.

MR. P. S. NATARAJA PILLAI: I would like to know what has happened to our amendments.

PRESIDENT: It was pointed out by the Legal Remembrancer and the Advocate General that those amendments were in the nature of negative amendments, and therefore they could be moved at the time of passing of the clauses.

MR. P. S. NATARAJA PILLAI: I am sorry that I did not hear those observations of the Legal Remembrancer and of the Chair.

PRESIDENT: The convention is that if the amendments are in the nature of negative propositions they would be taken up when the clauses are put to vote. That was the appropriate occasion for the members to say that they are against that particular clause and that such clauses should not form part of the Bill.

MR. P. S. NATARAJA PILLAI: Unfortunately we did not hear that portion of the debate and if in the opinion of the Chair our amendments have lapsed, we will abide by that.

PRESIDENT: For this very reason it would be better hereafter that the official members should talk more loudly.

MR. P. S. NATARAJA PILLAI: I honestly say that I did not hear

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MR. K. G. KUNJUKRISHNA PILLAI: Sir, if you give me a chance now I shall enlighten the matter.

PRESIDENT: Technically all the clauses have been disposed of and if permission is granted it is practically going back upon the decision. But if the honourable members have not heared what has happened, there is no alternative but to grant their request.

MR. K. G. KUNJUKRISHNA PILLAI: Under Standing Order 25, clause 2, an amendment cannot be moved which has merely the effect of a negative vote. That has been the ruling which has been consistently adopted in this House and therefore all those amendments are out of order.

PRESIDENT: In other words, in a case where the honourable members object to a clause as amended by the Select Committee they cannot move a negative amendment but can, when the clause is being put to the vote object to the enactment of the clause on the ground that it is right or wrong, regular or irregular. That is the consistent practice on this matter. Now I will put the proposition whether clause 6 can form part of the Bill.

MR. P. S. NATARAJA PILLAI: I object to clause 6 forming part of the Bill. It reads "Our Government may, by rules made under this Act, direct that any class or classes of persons specified in such rules shall not be ordered to be detained in a Borstal School."

There is an exemption which is being granted to particular class or classes of people. There was an identical provision in the Children Bill which the Select Committee sought to delete. The official members accepted that suggestion. The Select Committee have deleted that. There is no reason why such a provision should be made namely making an exemption from detention to particular class or classes of people in Travancore. There is not much of difference between community and community. I do not see any practical necessity to make invidious distinctions in a Bill of this sort.

PRESIDENT: I want the honourable members to consider certain points. There are, as will be known certain communities which very strongly object to secular organisations being in charge of scholastic activity and the opinions of those communities have recently been more vocal and loudly expressed and when the honourable House is going to deal with the Education Reorganisation committee report, they will hear a great deal about it, because I have been receiving petitions to an extent which I was not able to anticipate. I was receiving letters and representations and memorials from various sources to the effect that there are certain communities which consider that instruction imparted in a Government institution is the wrong kind of instruction and unless that particular community is in charge of instruction and is able to take charge of the spiritual and the psychological training of a student, that training is of no use. They have gone to this extent that where there is a Government school and another school belonging to certain communities, if a person sends his child to the Government school he is liable to excommunication. In fact, such excommunications have taken place and it has been brought to the notice of Go-

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particular persons for sending their children to particular schools. But it is in order to deal with such cases if and when they arise, this has been done. I have certain views on this subject which I shall express when the time comes. I take it that it is with reference to such cases this clause was introduced. If the honourable members wish to express and different opinion on the question they are entitled to do so. But it is well to have this much of background when considering this important question.

MR. P. S. NATARAJA PILLAI: The delinquent children must certainly be dealt with.

PRESIDENT: The argument on the other side is that reclamation by a secular Government or agency is likely to produce greater results. It is their opinion that Government should adopt a neutral attitude and has no right to deal with even delinquent children much, less with the right kind of children and *a fortiori* they cannot touch the other kind of children.

MR. P. S. NATARAJA PILLAI: This Bill seeks to deal with youthful offenders who are going to be a menace to society and as such the question of reclaiming them must arise in this connection.

PRESIDENT: I am not interrupting discussion. You are at liberty to put forward your argument and press the point. I was only saying that this was the kind of objection which necessitated this clause.

MR. P. S. NATARAJA PILLAI: It is the duty of the State to reclaim the delinquents and to reform them and thus make them useful members of the society. I believe this House will accept my proposition. This house is bound to take up that position irrespective of class or community. So far as the youthful offenders are concerned, that should be the attitude taken up by Government. To make invidious distinctions and to sacrifice the sentiments of any class of person in the country, I think, is not advisable. Nor will the House accept such a problem. Under these circumstances, I will press upon the House to accept the amendment of negativing the clause.

MR. S. SANKARANARAYANAN TAMPI: I support the amendment.

MR. A. P. UDAYABHANU: The objection raised by certain communities, as it has been pointed out by the chair, is that they object to the children being sent to school run by the Government and that they want to send them to their own schools.

PRESIDENT: They cannot start Borstal Schools.

MR. A. P. UDAYABHANU: Section 3 deals with the establishment of Borstal Schools. "For the purposes of this Act, Our Government may establish one or more Borstal Schools or declare any industrial or educational institution as a Borstal School". So there will be no difficulty in getting Borstal Schools. We can declare any industrial or educational institution as a Borstal School. The communities which object to their children being sent to one Government institutions can send them to any other institution run by them and declared a borstal school for the purpose. Thus there can be no ground for exempting children of any particular community.

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MR. K. G. KUNJUKRISHNA PILLAI: On behalf of Government I may say that they are perfectly willing to abide by the decision of the House. There is a serious fear that the amendment, if carried, would create great opposition in certain communities. But if the house unanimously comes to the conclusion that there is no need for any exemption, Government have not the slightest objection.

MR. P. S. NATARAJA PILLAI: Under the rule—making section, there is sufficient provision for exempting people suffering from leprosy, epilepsy, idiots and others. Therefore there is no necessity to have this provision to exempt any class or classes of persons.

MR. T. K. NARAYANA PILLAI: Sir, I support Mr. Nataraja Pillai's amendment. In the Children Bill there is no exemption. It is all the more reason why there should not be any exemption in the Borstal Schools Bill also. The reason advanced in favour of the section is that some communities may take objection to having such a wide provision. If that be so, every community can raise some objection or other. In that case no legislation can be successfully worked. It is not advantageous to the State as a whole to have rules for particular communities. So it is absolutely necessary that this section should be deleted.

MR. J. T. MORAIS: I oppose the amendment. There are certain communities who take objection to delinquent children being sent to Government managed Borstal Schools. This is only an enabling provision which allows Government under certain circumstances to exempt by rules any class of persons from being sent to Borstal Schools. I do not see how it will affect the general provision of the Act and how it will defeat the general purpose of the Act. Government have got the descretion to exempt certain communities. It is only under certain circumstances that certain classes or communities are excepted. So there is no reason why this clause should be deleted.

The amendment was put to vote and carried.

The question that clause 6 be deleted was put and carried.

Clause 7 to 18.

The question that clauses 7 to 18 stand part of the Bill was put and carried.

The clauses were added to the Bill.

Clause 19.

The question that clause 19 stand part of the Bill was put and carried

The clause was added to the Bill.

Clauses 20 and 21.

The question that clauses 20 and 21 stand part of the Bill wae put and carried.

The clauses were added to the Bill.

Preamble and Title.

The question that the Preamble and Title stand part of the Bill was put and carried.

The Preamble and Title were added to the Bill.

MR. N. RAMAKRISHNA PILLAI: Sir I move that the clauses be renumbered in accordance with the amendment carried by the House.

I move that the Bill as amended may be passed.

MR. S. NARAYANA IYER: I second it.

The motion was put and carried and the Bill was passed.

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